

EXHIBIT B

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG**

SUMMONS

FRANCES LAVALLE DELUCCIA,

Index No.:

Plaintiff,

Date Filed:

v.

Plaintiff designates
CHEMUNG COUNTY
as the place of trial.

TARGET CORPORATION,

Defendant.

The basis of venue is:
Plaintiff(s) residence
19 Berrington Road
Horseheads, NY 14845

TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Garden City, New York
February 24, 2021

Yours, etc.,
CELLINO LAW LLP

By: 

John E. Lavelle, Esq.
Attorneys for Plaintiff
600 Old Country Road, Suite 412
Garden City, New York 11530
(800) 555-5555 x2507

TARGET CORPORATION
930 County Road 64
Elmira, NY 14903

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG

FRANCES LAVALLE DELUCCIA,

Plaintiff,

COMPLAINT

v.

Index No.

TARGET CORPORATION,

Defendant.

Plaintiff FRANCES LAVALLE DELUCCIA, above-named, by plaintiff's attorneys, CELLINO LAW LLP, for her complaint against defendant TARGET CORPORATION, above-named, alleges upon information and belief:

1. At all times herein relevant plaintiff FRANCES LAVALLE DELUCCIA, has been a resident of the County of Chemung and State of New York.

2. That at all times herein relevant, defendant, TARGET CORPORATION, was a conducting business in the State of New York.

3. That at all times herein relevant, defendant, TARGET CORPORATION, transacted business within the State of New York and/or contracted anywhere to supply goods or services in the State of New York.

4. That at all times herein relevant, defendant, TARGET CORPORATION, committed a tortious act within the State of New York.

5. That at all times herein relevant, defendant, TARGET CORPORATION, committed a tortious act without the State of New York causing injury to person or property within the State of New York.

6. That at all times herein relevant, defendant, TARGET CORPORATION, owns, uses or possesses real property situated with the State of New York.

7. That by virtue of the allegations above, defendant, TARGET CORPORATION, is subject to the laws of the State of New York pursuant to CPLR 302.

8. At all times herein relevant, defendant TARGET CORPORATION, has been the owner of a certain premises located at 930 County Road 64, Elmira, New York.

9. At all times herein relevant, defendant TARGET CORPORATION, has been the lessor of a certain premises located at 930 County Road 64, Elmira, New York.

10. At all times herein relevant, defendant TARGET CORPORATION, has been the lessee of a certain premises located at 930 County Road 64, Elmira, New York.

11. At all times herein relevant, defendant TARGET CORPORATION, has been the owner of a certain "Target" store located at 930 County Road 64, Elmira, New York.

12. At all times herein relevant, defendant TARGET CORPORATION, has been the franchisor of a certain "Target" store located at 930 County Road 64, Elmira, New York.

13. At all times herein relevant, defendant TARGET CORPORATION, has been the franchisee of a certain "Target" store located at 930 County Road 64, Elmira, New York.

14. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees managed the aforesaid premises.

15. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees maintained the aforesaid premises.

16. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees controlled the aforesaid premises.

17. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees operated the aforesaid premises.

18. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees supervised the aforesaid premises.

19. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees inspected the aforesaid premises.

20. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees managed the aforesaid "Target" store.

21. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees maintained the aforesaid "Target" store.

22. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees controlled the aforesaid "Target" store.

23. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees operated the aforesaid "Target" store.

24. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees supervised the aforesaid "Target" store.

25. That at all times hereinafter mentioned, defendant, TARGET CORPORATION, by its agents, servants and/or employees inspected the aforesaid "Target" store.

26. At all times herein relevant, it was the duty of defendant, TARGET CORPORATION, to maintain the above-described premises an "Target" store in a reasonably safe and suitable condition for tenants, business invitees, patrons and guests.

27. On or about November 14, 2019, plaintiff FRANCES LAVALLE DELUCCIA, was lawfully within the premises and "Target" store mentioned above.

28. On or about November 14, 2019, plaintiff FRANCES LAVALLE DELUCCIA, was caused to be injured in an incident in defendant's premises and "Target" store thereby sustaining injuries and damages as hereinafter alleged.

29. Plaintiff FRANCES LAVALLE DELUCCIA's injuries and damages referred to herein were caused solely by defendant's negligence by permitting a dangerous condition within said premises the defendant knew, or should have known, existed and continued to exist within said premises and/or by failing to warn plaintiff FRANCES LAVALLE DELUCCIA of said dangerous condition.

30. The aforementioned incident occurred solely as a result of defendant's negligence without any negligence attributable in any measure to plaintiff FRANCES LAVALLE DELUCCIA.

31. As a result of the negligence of the defendant as alleged above, plaintiff FRANCES LAVALLE DELUCCIA was injured and has suffered damages in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts.

WHEREFORE, plaintiff FRANCES LAVALLE DELUCCIA, demands judgment against defendant, TARGET CORPORATION, in an amount which exceeds the monetary jurisdictional limits of all lower New York State Courts and plaintiff FRANCES LAVALLE DELUCCIA, demands such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: Garden City, New York
February 24, 2021

Yours, etc.,

CELLINO LAW LLP

By: 

John E. Lavelle, Esq.
Attorneys for Plaintiff
600 Old Country Road, Suite 412
Garden City, New York 11530
(800) 555-5555 x2507

Index No:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CHEMUNG

FRANCES LAVALLE DELUCCIA,

Plaintiff,

v

TARGET CORPORATION,

Defendant,

SUMMONS AND COMPLAINT

CELLINO LAW LLP

Attorneys for Plaintiff

Office & Post Office Address, Telephone

600 Old Country Road, Suite 412

Garden City, New York 11530

(800) 555-5555

Service of a copy of the within is hereby admitted.

Dated: Garden City, New York

February 24, 2021

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of an Order
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
presented for settlement to the HON.
within named Court, at
on at

of which the within is a true copy will be
one of the judges of the

M.

Dated

Yours, etc.